

**REGULAR MEETING of the Burrillville Town Council held Wednesday, March 25, 2009 at 7:11 P.M. in the Town Council Chambers, 105 Harrisville Main St., Harrisville for and within the Town of Burrillville.**

**PRESENT: Council President Nancy F. Binns, Councilors Wallace F. Lees, Kevin M. Blais, Margaret L. Dudley, Kevin D. Heitke, John M. Karmozyn Jr. and Norman C. Mainville**

**MEMBERS ABSENT: None**

**1. Council President Nancy F. Binns led those present in pledging allegiance to the flag.**

**2. VOTED to accept the minutes of the special meeting held March 4, 2009 and dispensing with the reading of said minutes; and to continue to the next regular meeting the question of accepting the minutes of the regular meeting held March 11, 2009, and the public hearing held March 11, 2009.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

### **3. Public Comment:**

**Susan Kent of 50 Benedict Road asked whether it was correct that there are 26 police officers in town and asked why so many officers were required. Michael C. Wood, Town Manager confirmed the number and reviewed police service and minimum manning requirements.**

**Susan Kent of 50 Benedict Road commented that it is not the right time for expansion of the police station.**

**Kelly Hunt of Pascoag suggested if Councilor Blais could not vote, then he should not sit with the Town Council and participate in Council discussions.**

**Mark Brizard of Victory Highway noted that during the CIP public hearing, Councilor Blais participated in discussion and asked questions, but did not vote on the CIP budget. Mr. Brizard asked Councilor Blais to explain. Councilor Kevin M. Blais explained his hearing disabilities and his choice to abstain from voting. Mr. Brizard and Councilor Blais discussed the matter. David Rossi of Nichols Road engaged Mr. Brizard in further discussion.**

**David Rossi of Nichols Road recommended that the public address speakers be discarded.**

**Michele Badessa questioned the attendance at the public hearing relative to establishing a dam management district, discussed the capacity of the Council Chambers, and commented on the conduct of the hearing.**

**Michele Badessa commented on the traffic signs at the intersection of Harrisville Main St. and East Avenue.**

#### **4. General Good and Welfare of the Town of Burrillville**

**Councilor Margaret L. Dudley announced the airing of On the Lake: Life and Love in a Distant Place on Rhode Island public television. Councilor Dudley discussed the involvement of local residents David Bettencourt and G. Wayne Miller in the film.**

**Councilor Margaret L. Dudley announced the Austin T. Levy School annual spaghetti supper on April 1, 2009 from 5:00 – 8:00 P.M. at the Burrillville Middle School.**

**Councilor Margaret L. Dudley announced a Hazardous Waste Day to be held at the Smithfield Highway Barn on Saturday, March 28, 2009.**

**Councilor Kevin M. Blais extended thanks to those who participated in EMA training on Saturday, March 21, 2009.**

**Councilor Kevin M. Blais offered his labor and equipment for Earth Day.**

**Councilor Kevin D. Heitke noticed an Estate Planning Workshop on April 7, 2009 at the Beckwith-Bruckshaw Memorial Lodge.**

**Councilor Norman C. Mainville announced that Burrillville Allied Veterans, American Legion Post 1788 and VFW Post 1023 would hold their annual banquet at the Townsman Club on May 16, 2009.**

**Michael C. Wood, Town Manager, announced the Easter Egg Hunt at Branch River Park on April 4, 2009 at 11:30 A.M.**

**Michael C. Wood, Town Manager, encouraged subscription to the Town website. He noted that two new subscription services had been added: The Bugle and Trash & Recycling. Mr. Wood described the service.**

**Michael C. Wood, Town Manager thanked Councilor Kevin M. Blais for volunteering for Earth Day and discussed the role of the employees of the Department of Public Works. The matter was discussed.**

**5. Petitions: None**

**6. Special Business: None**

**7. Unfinished Business:**

**09-058 VOTED to open the correspondence from Council President Nancy F. Binns regarding her recommendation to reschedule the hearing to consider and adjudicate the alleged Charter violations by Councilor Kevin M. Blais.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**MOTION to reschedule to Monday, March 30, 2009 the hearing to consider and adjudicate the alleged Charter violations of Councilor Kevin M. Blais.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees.**

**Councilor Kevin M. Blais informed the Council President that he would be unavailable. Timothy F. Kane, Town Solicitor, noted that Councilor Blais' attorney had confirmed the date, that the hearing had been continued twice. Mr. Kane advised the Town Council that it is the Town Council's responsibility to set the hearing. Discussion followed.**

**The motion carried, six in favor, one abstention. Voting in favor were**

**Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**Note: Council President Nancy F. Binns distributed the notice and agenda for the March 30, 2009 hearing to consider and adjudicate the alleged Charter violations of Councilor Kevin M. Blais to: Council President Nancy F. Binns and Councilors Wallace F. Lees, Kevin M. Blais. Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville**

**09-061 VOTED to open the correspondence from Wendy Allmendinger, Program Recruiter, RI MENTOR, regarding her request to make a presentation related to the foster care program.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**Wendy Allmendinger, Program Recruiter, RI Mentor made a presentation to the Town Council relative to the services provided by RI Mentor. Ms. Allmendinger asked for the support of the Town Council.**

**09-070 Correspondence from Louise R. Phaneuf, Town Clerk, regarding Goals & Objectives and Public Policy and the Legislative Agenda.**

**VOTED to approve as presented.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

## **8. New Business:**

**09-079 VOTED to deny the request for an abatement of interest from Ron Gobeille.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**Note: It was noted that Mr. Gobeille was not present.**

**09-080 VOTED to declare surplus certain computer equipment, as listed.**

**Motion by Councilor John M. Karmozyn, Jr. Seconded by Councilor Norman C. Mainville. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**09-081 Correspondence from Councilor Norman C. Mainville, Chair, Screening Subcommittee, regarding the Subcommittee's recommendations:**

**VOTED to:**

**reappoint Paul Lavimodiere to the Conservation Commission for the three-year term to expire on March 31, 2012; and**

**reappoint Jose Pedro to the Conservation Commission for the three-year term to expire on March 31, 2012; and**

**reappoint Edmund Varin as an alternate member of the Zoning Board of Review for a one-year term to expire March 31, 2010.**



**Motion by Councilor Margaret L. Dudley. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**09-082 VOTED to refer to the Screening Subcommittee the application of Matthew Trimble for reappointment to the Budget Board.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**09-083 VOTED to approve the recommendation of Council President Nancy F. Binns regarding her recommendation to establish a committee to review the Charter and instruct the Town Clerk to begin advertising for members to serve on the committee.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor John M. Karmozyn, Jr.**

**Discussion:** The Council noted that the entire Town Council would be involved in the appointment of nine members of a charter review committee.

The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.

### **Pending Legislation:**

**09-084 VOTED** to adopt the following resolution in support of S 0687 and H 5371; Acts Relating to Courts and Civil Procedure – Procedure Generally:

### **Resolution**

#### **Supporting Legislative Amendments**

**To Protect Rhode Island's Cities and Towns and Their Public Officials/Employees**

**WHEREAS, the Burrillville Town Council finds that cities and towns are being faced with ever increasing demands upon their finances and that public officials and employees are increasingly and unfairly confronted with threats of personal liability from their official acts on behalf of the public they serve; and**

**WHEREAS, the Burrillville Town Council finds that the legislative**

**restrictions imposed upon the cities and towns relative to their ability to raise revenue have severely hampered the operations of municipal government; and**

**WHEREAS, the Burrillville Town Council finds that the current state of the law in Rhode Island imposes unfair burdens upon municipal government, its public officials and employees, and the taxpayers of Rhode Island's cities and towns due to a statutory scheme that imposes unreasonable liability upon the cities and towns of Rhode Island; and**

**WHEREAS, the Burrillville Town Council finds that legislative reform is necessary in order to adequately protect municipal governments, their officials and employees and the taxpayers from inequitable treatment due to the current state of the law with respect to municipal liability; and**

**WHEREAS, Representatives Gemma, Kilmartin and Trillo have introduced legislation in the House of Representatives (H 5371), and Senator Blais introduced parallel legislation in the Senate (S 0687) that would ensure the equitable treatment of public entities by amending the following sections of the Rhode Island General Laws:**

- 1. § 9-31-3 Limitation of damages – Cities, towns, and fire districts;**
- 2. § 10-6-2. "Joint tortfeasors" defined; and**
- 3. § 9-21-10. Interest in civil actions**

**NOW, THEREFORE, BE IT RESOLVED that we, the Burrillville Town**

**Council respectfully request that the General Assembly support H 5371 and S 0687.**

**BE IT FURTHER RESOLVED that the Burrillville Town Clerk is hereby instructed to submit a copy of this resolution to the Burrillville State Senators and State Representatives in the Rhode Island General Assembly seeking their consideration and support of H 5371 and S 0687.**

**Adopted this 25th day of March 2009**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**09-085 VOTED to support S 0781 and H 5687; Acts Relating to Towns and Cities, and to notify the legislators and that all other communities be asked to support.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Norman C. Mainville. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John**

**M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**09-086 VOTED to support S 0252 and H 5572; Acts Relating to Elections – Voting Districts and Officials, as requested by the Rhode Island Town & City Clerks Association.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**09-087 VOTED to support amendments to §17-20-2 that would allow for more voters to obtain mail ballots as requested by the Board of Elections.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**Additional Pending Legislation:**

**VOTED to oppose Senate Bill 2009 – S0156; An Act Relating to Labor & Labor Relations – Fair Employment Practices.**

**Motion by Councilor Margaret L. Dudley. Seconded by Councilor Wallace F. Lees.**

**Discussion: This act would prohibit an employer from refusing to hire a person based solely on the existence of a criminal record, with some exceptions, or for a governmental agency from denying an individual a license to work in a particular trade or business based solely on that individual having a criminal record, with certain exceptions**

**The motion carried, five in favor, one opposed, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin D. Heike voted in opposition. Councilor Kevin M. Blais abstained.**

#### **9. Town Clerk/Communication:**

**09-088 VOTED to receive and file the legislative status report on the bills on which the Town Council has taken a position.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor**

**John M. Karmozyn, Jr. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**09-089 VOTED to receive and file the correspondence from Robert Rocchio, P.E., Secretary, State Traffic Commission, regarding the increased weight limit on Shippee Bridge.**

**Motion by Councilor Wallace F. Lees. Seconded by Councilor John M. Karmozyn, Jr. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**10. VOTED to receive reports #1 through 23, as presented:**

- 1. Town Treasurer: Reports of January and February 2009**
- 2. Burrillville Sewer Commission: Report of February 2009 and meeting of February 10, 2009**
- 3. Tax Collector: Report of February 2009**
- 4. Department of Public Works: Report of February 2009**
- 5. Chief of Police: Report of February 2009**
- 6. Office of Building Official: Report of February 2009**
- 7. Animal Control Officer: Report of February 2009**

- 8. Burrillville Housing Authority: Meeting of February 11, 2009**
- 9. Planning Board/Town Planner: Meeting of January 5, 2009**
- 10. Zoning Board of Review: No report**
- 11. Parks and Recreation Department: No report**
- 12. Information Systems Department: Report of March 2009**
- 13. Burrillville Conservation Commission: Meeting of January 13, 2009**
- 14. Ordinance Subcommittee: No report**
- 15. Redevelopment Agency: Meetings of November 25, 2008 and January 27, 2009**
- 16. B-PAC: No report**
- 17. Personnel Board: Meetings of January 13 and February 10, 2009**
- 18. Screening Subcommittee: Meeting of February 17, 2009**
- 19. Budget Board: Meetings of February 5, 12, 19, & 26 and March 5, 2009**
- 20. Burrillville School Committee: No report**
- 21. Senior Center Feasibility Study Committee: Meeting of February 4, 2009**
- 22. Emergency Management Agency: Report of March 18, 2009**
- 23. Public Safety Committee: No report**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Wallace F. Lees. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais**



**abstained.**

**11. Additional New Business: None**

**12. VOTED to adjourn at 8:57 P.M.**

**Motion by Councilor Norman C. Mainville. Seconded by Councilor Margaret L. Dudley. The motion carried, six in favor, one abstention. Voting in favor were Council President Nancy F. Binns and Councilors Wallace F. Lees, Margaret L. Dudley, Kevin D. Heike, John M. Karmozyn, Jr. and Norman C. Mainville. Councilor Kevin M. Blais abstained.**

**The meeting was taped. The tape is on file with the record of the meeting.**

**Louise R. Phaneuf, Town Clerk**